

REMARKS

This Amendment responds to the Final Office Action mailed November 22, 2006. A Request for Continued Examination (RCE) accompanies this Amendment. Accordingly, entry of the Amendment and allowance of the application are respectfully requested.

Claims 1, 3-5, 9-13, 15, 17, 18 and 20 were previously under consideration in the application. Claims 6-8, 14, 16 and 19 have been withdrawn from consideration by the Examiner. By this Amendment, independent claims 1, 11 and 17 have been amended, and new claims 21-23 have been added. Claims 9 and 15 have been cancelled without prejudice or disclaimer. Accordingly, claims 1, 3-5, 10-13, 17, 18 and 20-23 are currently pending in the application. The amendments find clear support at least at page 5, line 31 to page 6, line 29; page 8, lines 8-19; and Figs. 1-4, 4A, 4B, 5, 6 and 9 of the application as originally filed. No new matter has been added.

The Examiner has rejected claims 1, 3, 4, 9-13, 15, 17, 18 and 20 under 35 U.S.C. §102(b) as anticipated by Fischer et al. (US 4,371,323). Claim 5 is indicated to be allowable if rewritten in independent form. The rejections are respectfully traversed in view of the amended claims.

Fischer discloses a displacement machine operating according to the spiral principle that has at least one parallel motion guide device provided to ensure a torsionally rigid relative movement of two displacement elements (Abstract). An embodiment of the parallel motion guide means shown in Fig. 2 includes two pairs of leaf springs 16, 17 and 18, 19. The pair of leaf springs 16, 17 is fixed at bases 20 and 21 to a disc or plate 22 which carries a first displacement element. The leaf springs 16 and 17 are secured at their free ends to a square frame 23, by bases 24 and 25. The leaf springs 18 and 19 are arranged substantially perpendicular to leaf springs 16 and 17 and are rigidly connected by bases 26 and 27 to the frame 23, and via bases 28 and 29 to a second displacement element (col. 3, lines 37-50).

Amended claim 1 is directed to scroll pumping apparatus comprising a first scroll element and a second scroll element, a drive mechanism operatively coupled to the second scroll element for producing orbiting motion of the second scroll element relative to the first scroll

element, the drive mechanism having an axis of rotation, and a synchronization device, comprising a single flexible strip having connected, substantially flat sections coupled between the first scroll element and the second scroll element. The connected, substantially flat sections of the single flexible strip form a generally square, closed-loop configuration as viewed along the axis of the drive mechanism. The generally square, closed-loop configuration of the single flexible strip provides lateral flexibility in a plane perpendicular to the axis of rotation.

Fischer does not disclose or suggest a synchronization device comprising *a single flexible strip having connected, substantially flat sections which form a generally square, closed-loop configuration, wherein the generally square, closed-loop configuration of the single flexible strip provides lateral flexibility in a plane perpendicular to the axis of rotation*, as required by amended claim 1. Instead, Fischer discloses a device including a rigid frame and four individual leaf springs affixed to the frame. The leaf springs 16, 17, 18 and 19 of Fischer are not connected and do not form a closed-loop configuration as claimed. Neither the frame nor the leaf springs of Fischer constitute a single flexible strip having a generally square, closed loop configuration as claimed. Thus, amended claim 1 is not anticipated by Fischer. Further, the skilled person reviewing Fischer would not think of providing a single flexible strip having a generally square, closed-loop configuration, as required by amended claim 1. For these reasons, amended claim 1 is clearly and patentably distinguished over Fischer, and withdrawal of the rejection is respectfully requested.

Claims 3-10 and 21 depend from claim 1 and are patentable over Fischer for at least the same reasons as claim 1.

Amended claim 11 is directed to scroll pumping apparatus and requires a scroll set, a drive mechanism and a synchronization device as discussed above in connection with claim 1. Amended claim 11 is clearly patentable over Fischer for the reasons discussed above in connection with claim 1. In particular, Fischer does not disclose or suggest a synchronization device comprising a single flexible strip having connected, substantially flat sections, which form a generally square, closed-loop configuration, wherein the generally square, closed-loop configuration of the single flexible strip provides lateral flexibility, as required by amended claim 11. For these reasons and for the reasons discussed above in connection with claim 1,

amended claim 11 is clearly patentable over Fischer. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 12-16 and 22 depend from claim 11 and are patentable over Fischer for at least the same reasons as claim 11.

Amended claim 17 is directed to a method for operating scroll pumping apparatus of the type comprising a first scroll element and a second scroll element. The method comprises, in part, synchronizing the first scroll element and the second scroll element with a synchronization device, comprising a single flexible strip having connected, substantially flat sections, coupled between the first and second scroll elements, wherein the connected, substantially flat sections of the single flexible strip form a generally square, closed-loop configuration and wherein the generally square, closed-loop configuration of the single flexible strip provides lateral flexibility.

Amended claim 17 is clearly and patentably distinguished over Fischer for the reasons discussed above in connection with claims 1 and 11. In particular, Fischer does not disclose or suggest a single flexible strip having connected, substantially flat sections which form a generally square, closed-loop configuration, wherein the generally square, closed-loop configuration of the single flexible strip provides a lateral flexibility, as required by amended claim 17. For these reasons and for the reasons discussed above in connection with claims 1 and 11, amended claim 17 is clearly and patentably distinguished over Fischer. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 18-20 and 23 depend from claim 17 and are patentable over Fischer for at least the same reasons as claim 17.

Based upon the above discussion, claims 1 and 3-20 are in condition for allowance.

CONCLUSION

In view of the foregoing, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bella Fishman". The signature is fluid and cursive, with the first name "Bella" and last name "Fishman" clearly distinguishable.

Bella Fishman
Agent for Applicants
Registration No. 37,485

Dated: February 21, 2007

Varian, Inc.
Legal Department
3120 Hansen Way, D-102
Palo Alto, CA 94304
(650) 424-5086
bella.fishman@varianinc.com